

IN RE: PETITION FOR VARIANCE
N/S Old Frederick Road, 80' W of the
c/I Harlem Lane
(5603 Old Frederick Road)
1st Election District
1st Councilmanic District

Alexandria Properties, LLC, Owners;
Blackford Development, Ltd., Cont. Pur.

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-332-A
*

* * * * *

AMENDED ORDER

This matter came before this Zoning Commissioner for consideration of a Petition for Variance for the subject property, known as 5603 Old Frederick Road, in which the Petitioners sought relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 235.1 and 303.2 to permit a front yard setback of 0 feet in lieu of the required 12 feet; from Section 409.8 to permit a parking space setback from a street right-of-way line of 5 feet in lieu of the required 10 feet; and, from Section 409.6 to permit 46 parking spaces in lieu of the required 51, in accordance with the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Following a public hearing on this matter, variance relief was granted, pursuant to the Findings of Fact and Conclusions of Law issued by me on April 8, 1999.

Subsequent to the issuance of that Opinion and Order, a request for modification of same was filed by Counsel for the Petitioners, Leslie M. Pittler, Esquire, on April 19, 1999 wherein an amended site plan was submitted. Specifically, Counsel for the Petitioners propose to create additional "green" space on the north side of the site facing the Baltimore National Pike, which the Baltimore County Office of Planning seems to favor. However, the additional green space will reduce the 5-foot buffer requested and approved in my prior Order to 2 feet.

Whereas the amended site plan has been reviewed by this Zoning Commissioner and Mr.

DATE: 5/24/99
BY: [Signature]
OFFICE OF PLANNING

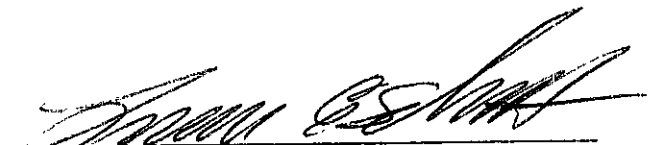
Jeffrey Long of the Office of Planning, who has recommended approval. Thus, the Motion for Consideration shall be granted and the Order amended accordingly to reflect the proposed modification, in accordance with the revised site plan marked as Petitioner's Exhibit 1A. In addition, Counsel for the Petitioners requested some technical changes to the original Order. The changes are actually to correct two typographical errors; on Page 2, the size of the property should read 1.675 acres instead of .1675 acres, and on Page 4, the word "inappropriate" is used instead of "appropriate". These changes shall also be made by way of this Amended Order.

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County this 26th day of May, 1999 that the Order issued April 8, 1999 be and the same is hereby AMENDED to GRANT a parking space setback from a street right-of-way line of 2 feet in lieu of the required 10 feet; and,

IT IS FURTHER ORDERED that Page 2 of the Order issued April 8, 1999 shall be corrected to reflect that the subject property contains 1.675 acres in area; and,

IT IS FURTHER ORDERED that the word "inappropriate" on Page 4 of the Order issued April 8, 1999 shall read "appropriate"; and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued April 8, 1999 shall remain in full force and effect.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, Suite 610, Towson, Md. 21204
Mr. & Mrs. James Tony, 4636 Dapple Court, Ellicott City, Md. 21043
Mr. & Mrs. Joseph W. Deerin, 1891 Santa Barbara Drive, Suite 201, Lancaster, PA. 17601
Mr. Richard L. Smith, KCI Technologies, Inc., 10 North Park Dr., Hunt Valley, Md. 21030
Mr. Jeffrey Long, OP; People's Counsel; Case File

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Old Frederick Rd., 80 ft. W
Of c/l of Harlem Lane * ZONING COMMISSIONER
5603 Old Frederick Road *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District
Legal Owner: Alexandria Prop. LLC,* Case No: 99-332-A
Contract Purchaser: Blackford Dev. Ltd.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5603 Old Frederick Road in Catonsville. The Petition was filed by Alexandria Properties, LLC, property owner and Blackford Development Ltd., Contract Purchaser. Three variances are requested. They are:

- A. From Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 0 ft. in lieu of the required 12 ft.; and
- B. From Section 409.8 of the BCZR to allow a parking space setback from a street right of way line of 5 ft. instead of the required 10.0 ft.; and
- C. From Section 409.6 of the BCZR to allow a total of 46 parking spaces instead of the required 51 parking spaces.

As originally filed, the second variance listed above was to allow a parking space setback from a street right of way line of 5 ft. in lieu of the required 10 ft. However, that variance request was amended in open hearing to request a 0 ft. setback in lieu of the required 10 ft.

All of the subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were Linda Tony and James Tony on behalf of Alexandria Properties, LLC, property owner. Also present was Joseph W. Deerin and Donna Deerin from Blackford Development Ltd. Blackford Development Ltd. represents CVS Pharmacy, Inc. in the acquisition and development of real estate for pharmacy stores. Also present and testifying was Richard L. Smith, the engineer who prepared the site plan. The Petitioners were represented by Leslie M. Pittler, Esquire. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

4/8/99
M. P. P. P.

Mr. Smith testified and presented the site plan. That plan shows that the subject property is approximately .1675 acres in area, zoned B.M.CCC. The property is an irregularly shaped parcel with frontage on both Baltimore National Pike (US.Route 40) and Old Frederick Road. The irregular shape of the property was caused by the State's taking of a portion of the site during the construction of U.S. Route 40. Vehicular access to the property , as proposed, is by way of a single entrance on Route 40 and two entrances from Old Frederick Road.

Presently, the site is improved with a structure which is used as a transmission shop/service garage. Apparently, the property has been used by automotive businesses for many years. In addition to the existing service garage operation, the property was previously used for the sale and servicing of motor vehicles.

Blackford Development, Ltd. proposes to acquire the site and develop same with a CVS Pharmacy. The development, as proposed, is more particularly shown on the site plan. A pharmacy building of 10,125 sq. ft. in area is proposed. Additionally, 46 parking spaces are shown, slightly less than the 51 spaces required. Additionally, there will be a trash compactor and an enclosed concrete dumpster pad proposed. Loading of merchandise to the store will be accomplished by way of a scissors lift that is located adjacent to the building. The store will also feature a drive-thru window. Apparently, this floor plan and layout of the store will be consistent with CVS prototype.

Variance relief is requested as described above. Considering first the parking variance, I am persuaded that same should be granted. Testimony and evidence was offered to support a finding that 46 spaces are sufficient for the store. Obviously, the unusual shape of the site limits the amount of parking that can be provided. In sum, I am persuaded that the Petitioner has satisfied the burden for variance relief under Section 307 and that 46 spaces should be permitted in lieu of the required 51.

The second variance is to allow a front yard setback of 0 ft. in lieu of the required 12 ft. In this regard, Mr. Smith testified that relief is necessary for the corner of the building which abuts Baltimore National Pike. He testified that a field survey established the State's right of way line for Baltimore National Pike closer to the proposed building envelope than originally contemplated. The plan does show that there will be an area for

ORDER RECEIVED FOR FILING

4/8/99

Date

By

planting and landscaping along a portion of the property abutting Baltimore National Pike, even if relief were granted. It is but a small corner of the store which will abut the right of way line. In my judgment, this Variance should also be granted. I am satisfied that the location of the building is appropriate.

The third variance is to allow a reduced setback from a street right of way line to a parking space. This variance is for that portion of the parking lot which adjoins Old Frederick Road. The site plan shows that there will be 14 parking spaces proposed on the southwestern side of the site which will maintain a 5 ft. setback from the property line. Additionally, there will be 13 additional spaces also abutting the south side of the property which will maintain a 0 ft. setback. The setback for these spaces was the subject of the amendment offered at the hearing.

After due consideration of the testimony and evidence offered, I believe that a 5 ft. setback should be maintained for all of the spaces on the south side of the property. This will allow for an appropriate amount of landscaping. A 5 ft. setback for the 13 spaces described above will reduce the width of the drive aisle between those parking spaces and the store. However, a portion of that aisle is used for stacking of cars at the drive-thru window. I believe that 5 stacking spaces is more than sufficient and/or required. The CVS drive-thru window can be expected to generate much less traffic than a fast food restaurant or bank drive-thru windows. There appears to be more than enough maneuvering room even assuming that a 5 ft. setback buffer area is maintained. Thus, I shall grant the variance as originally requested and deny the relief sought under the amendment. The Petitioner shall maintain an area at least 5 ft. for landscaping along the south side of the property between the parking lot and the right of way for Old Frederick Road.

Although there were no Protestants present, ZAC comments were offered regarding this plan. The Office of Planning requested that building elevation drawings be submitted for review and approval by the Office of Planning. I will require compliance with this comment notwithstanding that the proposed store will be consistent with other CVS pharmacies throughout Baltimore County. Likewise, there is no variance relief sought for signage and same shall, therefore, be in compliance with the applicable provisions of the BCZR.

ORDER RECEIVED FOR FILING

Date

By

Moreover, the Petitioner shall submit a landscape plan for street scape improvements both along Baltimore National Pike and/or Frederick Road. Although the setbacks for these areas are reduced, landscaping will be required within the green buffer which will remain.

The Office of Planning also requested a reduction of the width of the southeast entrance on Old Frederick Road from 35 ft. to 30 ft. Testimony offered by the Petitioners was that that entrance will be used for truck deliveries to the store and 35 ft. was an inappropriate width. Apparently, that dimension is permitted under the Department of Public Works' standards. In that the Office of Planning did not offer further justification for its recommended reduction, I decline to incorporate same.

Also, ZAC comments were submitted by the Office of Permits and Development Management. Many of those comments are standard and will be required during the building permit process. The ZAC comment attached also referenced a "marked up plan" which was not submitted along with the comment. I believe that many of the comments stated within the ZAC comment are addressed hereinabove will be resolved through the DRC/permit process.

Pursuant to the advertisement, posting of the property and the public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 30th day of April, 1999, that the Petition for Variance from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to allow a front yard setback of 0 ft. in lieu of the required 12 ft. be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8 of the BCZR to allow a parking space setback from a street right of way line of 5 ft. instead of the required 10 ft., be and is hereby GRANTED; and,

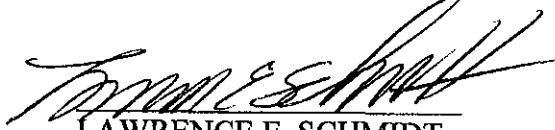
IT IS FURTHER ORDERED that a variance from Section 409.6 of the BCZR to allow a total of 46 parking spaces instead of the required 51 parking spaces, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order

ORDER RECEIVED FOR FILING
Date 4/18/99
By M. H. H. H.

has expired. If, for whatever reason this Order is reversed, the Petitioners would be required to return, and be responsible for returning said property to its original condition.

2. The Petitioners shall comply with the ZAC comment from the Developer's Plans Review Division of PDM dated March 19, 1999, attached hereto and made a part hereof.
3. The Petitioners shall comply with the ZAC comment from the Office of Planning regarding landscaping dated March 16, 1999, attached hereto and made a part hereof, and as consistent with the comments set out hereinabove.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
4/18/99
Date
By: M. P. [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

April 8 1999

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue, Suite 610
Towson, Maryland 21204

RE: Petition for Variance
Case No. 99-332-A
Property: 5603 Old Frederick Road
Alexandria Properties, LLC/Blackford Dev. Ltd., Petitioners

Dear Mr. Pittler:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy to:
James A. and Linda Tony
4636 Dapple Court
Ellicott City, Maryland 21043
John and Donna Deerin
1891 Santa Barbara Drive, Suite 201
Lancaster, PA 17601



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5603 Old Frederick Road

which is presently zoned BM-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Blackford Dev. LTD.
Name - Type or Print
[Signature] Pres.
Signature
1891 Santa Barbara Dr. 717-569-9373
Address Telephone No.
Lancaster, Pa. 17601
City State Zip Code

Attorney For Petitioner:

Leslie M. Pittler Esq.
Name - Type or Print
[Signature]
Signature

Company
29 W. Susquehanna Ave Ste. 610 410-823-4455
Address Telephone No.
Towson, Md. 21204
City State Zip Code

Legal Owner(s):

Alexandria Properties, LLC
Name - Type or Print
[Signature] member
Signature
Linda L. Tony & James A. Tony
Name - Type or Print
[Signature] member
Signature
4636 Dapple Court 410-744-8824
Address Telephone No.
Ellicott City Md. 21043
City State Zip Code

Representative to be Contacted:

Leslie M. Pittler Esq.
Name
29 W. Susquehanna Ave. Ste. 610 410-823-4455
Address Telephone No.
Towson Md. 21204
City State Zip Code

OFFICE USE ONLY

Case No. 99-332-A

ESTIMATED LENGTH OF HEARING 1 1/2 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 2-25-99

PETITION FOR VARIANCE FROM THE
FOLLOWING SECTIONS :

**A: SECTION 235.1 AND SECTION 303.2 -- TO ALLOW A FRONT YARD SETBACK
OF 0 FEET INSTEAD OF THE REQUIRED 12.0 FEET**

**B: SECTION 409.8 -- TO ALLOW A PARKING SPACE SETBACK FROM A STREET
RIGHT OF WAY LINE OF 5 FEET INSTEAD OF THE REQUIRED 10.0 FEET**

**C: SECTION 409.6 -- TO ALLOW A TOTAL OF 46 PARKING SPACES INSTEAD OF
THE REQUIRED 51 PARKING SPACES**

REASONS:

THE CONFIGURATION OF THE LOT CREATING PRACTICAL DIFFICULTY

332

44-332-A

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-332-A

6803 Old Frederick Road

N/S Old Frederick Road, 80' W of centerline Harlem Lane

1st Election District -- 1st Councilmanic District

Legal Owner(s): Alexandria Properties, LLC

Contract Purchaser: Blackford Dev. Ltd.

Variance: to allow a front yard setback of zero feet in lieu of the required 12 feet; to allow a parking space setback from a street right-of-way of 5 feet in lieu of the required 10 feet; and to allow a total of 46 parking spaces in lieu of the required 51 parking spaces.

Hearing: Monday, April 5, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/307 March 18, 1999

C298155

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/18/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/18/, 1999.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

332
Item No.

062305

DATE 2-25-99 ACCOUNT R 001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Lecia Fittler FSA

FOR: Commercial Variance Filing Fee
5603 Old Frederick Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME

2/25/1999 2/25/1999 11:36:00

REI W306 CASHIER PAUL NEW DRAWER

5 MISCELLANEOUS CASH RECEIPT

Receipt # 068092

CR NO. 062305

250.00 CHECK

Baltimore County, Maryland

99-332-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

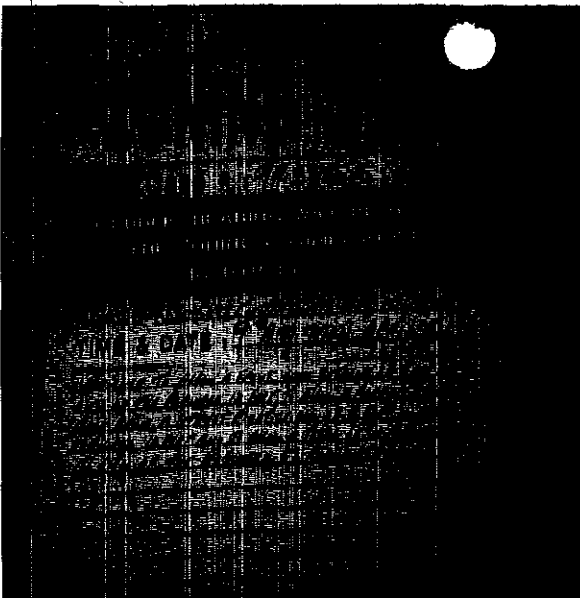
RE: CASE # 99-332-A
PETITIONER/DEVELOPER:
(Blackford Dev. Ltd.)
DATE OF Hearing
(APR. 5, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
5603 Old Frederick Road Baltimore, Maryland 21228_____



_____-19-99_____
(month, Day, Year)

Sincerely,

Thomas P. Ogle 3/19/99
(Signature of Sign Poster & Date)

_____-Thomas P. Ogle, Sr._____-

_____-325 Nicholson Road_____-

_____-Baltimore, Maryland 21221_____-

_____- (410)-687-8405_____-
(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 5, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-332-A
5603 Old Frederick Road
N/S Old Frederick Road, 80' W of centerline Harlem Lane
1st Election District – 1st Councilmanic District
Legal Owner: Alexandria Properties, LLC
Contract Purchaser: Blackford Dev. Ltd.

Variance to allow a front yard setback of zero feet in lieu of the required 12 feet; to allow a parking space setback from a street right-of-way of 5 feet in lieu of the required 10 feet; and to allow a total of 46 parking spaces in lieu of the required 51 parking spaces.

HEARING: Monday, April 5, 1999 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Leslie M. Pittler, Esquire
Alexandria Properties, LLC
Blackford Dev. Ltd.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 21, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
March 18, 1999 Issue – Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Suite 610
Towson, MD 21204

410-823-4455

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-332-A

5603 Old Frederick Road

N/S Old Frederick Road, 80' W of centerline Harlem Lane

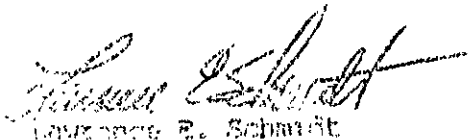
1st Election District – 1st Councilmanic District

Legal Owner: Alexandria Properties, LLC

Contract Purchaser: Blackford Dev. Ltd.

Variance to allow a front yard setback of zero feet in lieu of the required 12 feet; to allow a parking space setback from a street right-of-way of 5 feet in lieu of the required 10 feet; and to allow a total of 46 parking spaces in lieu of the required 51 parking spaces.

HEARING: Monday, April 5, 1999 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

53
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-332-A
Petitioner: Alexandria Properties, LLC
Address or Location: 4636 Dapple Court, Ellicott City, Md 21043

PLEASE FORWARD ADVERTISING BILL TO:

Name: Leslie M. Pittler, Esq.
Address: 29 W. Susquehanna Ave Ste. 610
Towson, Md 21204
Telephone Number: 410-823-4455

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-332-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A Variance to allow a front average setback
of 0 ft. in lieu of the required 12 ft and to allow
a parking space setback to the street right of way
5 ft and a total of 46 parking spaces in lieu of the
required 10 ft & 51 spaces respectively.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 1, 1999

Leslie M. Pittler, Esq.
29 W. Susquehanna Avenue, Suite 610
Towson, MD 21204

RE: Case No.: 99-332-A
Petitioner: Blackford Dev. Ltd.
Location: 5603 Old Frederick Road

Dear Mr. Pittler:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 25, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 19, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for March 15, 1999
 Item No. 332

The Bureau of Development Plans Review has reviewed the subject zoning item. Old Frederick Road is an existing road which shall ultimately be improved as a 44-foot street cross section on a 60-foot right-of-way.

The proposed combination curb and gutter to be built in its ultimate location along the frontage of the property.

The entrance locations are subject to approval by the Bureau.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards as the Developer's total responsibility.

Note the proposed entrance shall be located a minimum of 15 feet from the property line.

Baltimore National Pike, Maryland Route 40, is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Should deny parking setback along right-of-way. Paved area is larger than needed for proposed number of parking spaces. See marked-up plan.

RWB:HJO:jrb

cc: File

ZONE0315.332

3/17/99
ag
wlr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

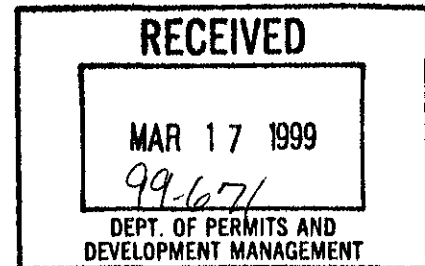
DATE: March 16, 1999

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 5603 Old Frederick Road

INFORMATION:

Item Number: 332
Petitioner: Blackford Dev. LTD
Property Size: 1.62 ac.
Zoning: BM-CCC
Requested Action:
Hearing Date:



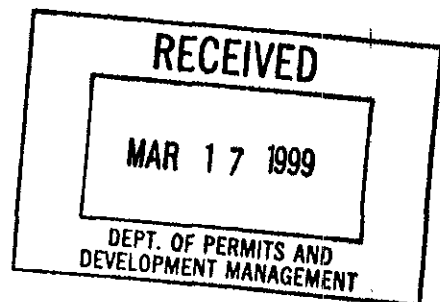
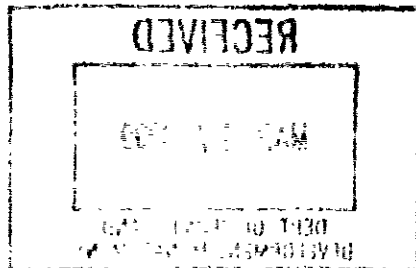
The property in question, 5603 Old Frederick Road, is a double frontage lot with significant frontage along Baltimore National Pike, one of the county's prime commercial corridors. The Maryland Department of Transportation, State Highway Administration has initiated a beautification project for US 40 from the city line to the Howard County line. Baltimore County, local community associations, and businesses are partners in this project.

The redevelopment proposal is to raze an existing one-story building used by Catonsville Transmission and Brake and to construct a new 10,125 square foot CVS drug store. The building's front orientation as shown on the site plan dated February 1999, is to the west with the side elevations along Baltimore National Pike and Old Frederick Road. The redevelopment proposal requires several variances for setback, number of parking spaces and parking setback to street right of way.

SUMMARY OF RECOMMENDATIONS:

This office supports revitalization of this site, which in principal is consistent with the Baltimore County Master Plan 1989-2000. However, the parking spaces along Baltimore National Pike should be reconfigured in order to meet the required 10-foot setback from the street right of way and provide adequate streetscape. This office supports the remaining variances provided the following comments are addressed. It is recommended that they be incorporated as restrictions in the Zoning Commissioner's order.

1. All four building elevations should be finished due to the building's visibility from Baltimore National Pike, Old Frederick Road and Johnnycake Road. Building elevations should be



submitted to the Office of Planning for review and approval prior to issuance of any building permits.

2. Streetscape is needed along both road frontages which meets the requirements of the Landscape Manual. A detail for the dumpster's screening is needed. A landscape and lighting plan should be submitted for approval to the Office of Planning and to Avery Harden, County Landscape Architect.
3. A sign detail is needed for any free standing signs.
4. The entrance from Old Frederick Road should be reduced in width from 35 feet to 30 feet.

Section Chief: _____

c: Avery Harden

AFK:DI:lsn



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 8, 1999

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

THE FIRE DEPARTMENT HAS NO COMMENTS REGARDING THE FOLLOWING ITEMS:

331, (332), 333, AND 335

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/4/99

FROM: R. Bruce Seeley, Project Manager *RB Seeley*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/8/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 332
333
334
335



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.9.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 352 JJS

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
5603 Old Frederick Road, N/S Old Frederick Rd,
80' W of c/l Harlem Ln, 1st Election District,
1st Councilmanic

Legal Owners: Alexandria Properties, LLC
Contract Purchaser: Blackford Development, Ltd.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-332-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

3/17/99
08
WLR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

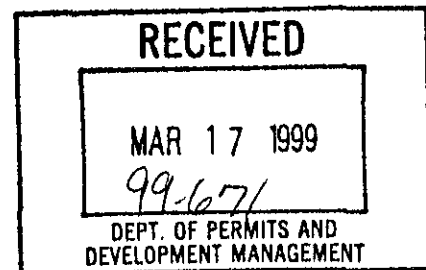
DATE: March 16, 1999

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 5603 Old Frederick Road

INFORMATION:

Item Number: 332
Petitioner: Blackford Dev. LTD
Property Size: 1.62 ac.
Zoning: BM-CCC
Requested Action:
Hearing Date:



The property in question, 5603 Old Frederick Road, is a double frontage lot with significant frontage along Baltimore National Pike, one of the county's prime commercial corridors. The Maryland Department of Transportation, State Highway Administration has initiated a beautification project for US 40 from the city line to the Howard County line. Baltimore County, local community associations, and businesses are partners in this project. The redevelopment proposal is to raze an existing one-story building used by Catonsville Transmission and Brake and to construct a new 10,125 square foot CVS drug store. The building's front orientation as shown on the site plan dated February 1999, is to the west with the side elevations along Baltimore National Pike and Old Frederick Road. The redevelopment proposal requires several variances for setback, number of parking spaces and parking setback to street right of way.

SUMMARY OF RECOMMENDATIONS:

This office supports revitalization of this site, which in principal is consistent with the Baltimore County Master Plan 1989-2000. However, the parking spaces along Baltimore National Pike should be reconfigured in order to meet the required 10-foot setback from the street right of way and provide adequate streetscape. This office supports the remaining variances provided the following comments are addressed. It is recommended that they be incorporated as restrictions in the Zoning Commissioner's order.

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3. A sign detail is needed for any free standing signs.
4. The entrance from Old Frederick Road should be reduced in width from 35 feet to 30 feet.

Section Chief: _____

Jeffrey W. Lary

c: Avery Harden

AFK:DI:lsn

LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

29 WEST SUSQUEHANNA AVENUE

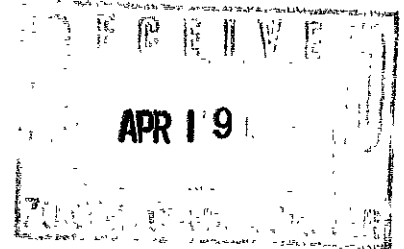
TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

APRIL 19, 1999

Lawrence E. Schmidt, Esquire
Zoning Commissioner
Baltimore County
Suite 405, County Courts Building
Towson, Maryland 21204



**Re: Amended Order, Case Number 99-332-A
5603 Old Frederick Road
Alexandria Properties, Blackford Dev. Ltd. [Petitioners]**

Dear Commissioner Schmidt:

This is a request to amend your Order in the above-captioned case to reflect the Petitioners' ability to create additional green space on the north side of the site, i.e. the side bordering Baltimore National Pike which Baltimore County seems to favor, thus creating the need to reduce the five foot setback buffer area as set forth on Page three of your decision in the second full paragraph to a two (2) foot setback.

As you are aware, this will not require any changes to the substantive decisions you have rendered in this matter.


The request to amend the Order is necessary because the Petitioners' by making this change would lose a net of one parking space more than that applied for and granted in this case.

In addition we would also request some technical changes as follows:

- (1) On page two the number of acres should read 1.1675 instead of .1675 and,
- (2) On Page four the word inappropriate should read appropriate.

Thank you for your consideration to this request and I am attaching an amended site plan for inclusion with the proposed amended Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leslie M. Pittler". The signature is fluid and cursive, with the first name "Leslie" and last name "Pittler" being more prominent than the middle initial "M".

Leslie M. Pittler

cc. Blackford Dev. Ltd
KCI Technologies, Inc

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Linda Tony

JAMES TONY

Donna Deeri

Joseph W. Deeri

RICHARD L. SMITH

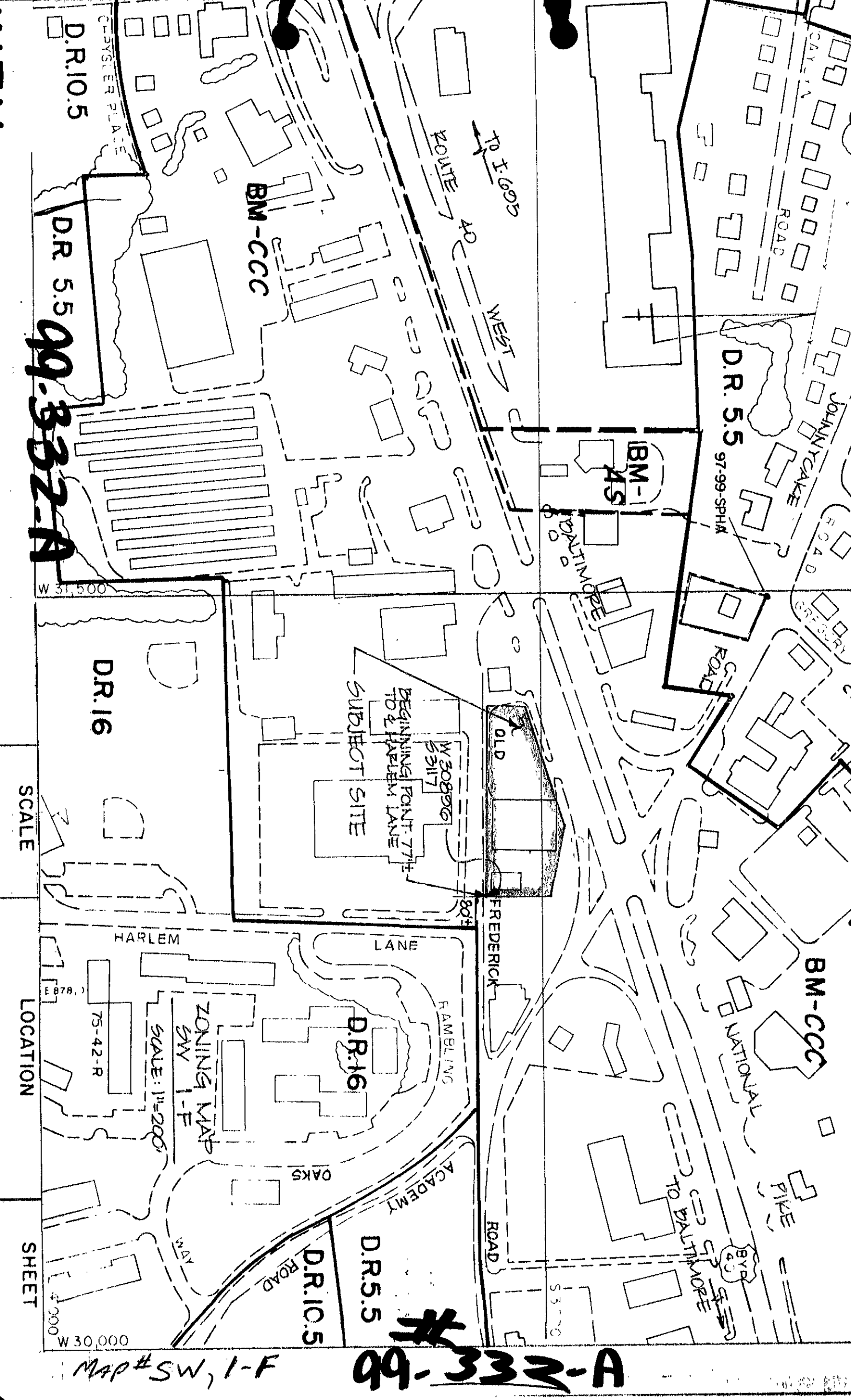
ADDRESS

4636 Dapple Ct
Clinton City, MO 21043
"

1891 Santa Barbara Drive Santa
Lancaster PA 17601

"
KCI TECHNOLOGIES, INC.
10 NORTH PARK DR. HUNT VALLEY 21030





D.R. 5.5

97-99-SPHAK

BM-145

BM-CCC

D.R. 16

SUBJECT SITE
BEGINNING POINT 771
TO 2 HARLEM LANE

FREDERICK ROAD

BM-CCC

D.R. 16

D.R. 5.5

D.R. 10.5

D.R. 10.5

D.R. 5.5

99-332-A

99-332-A

MAP# SW, 1-F

SCALE

LOCATION

SHEET

HARLEM LANE

ZONING MAP
SW 1-F

SCALE: 1"=200'

75-42-R

F 878

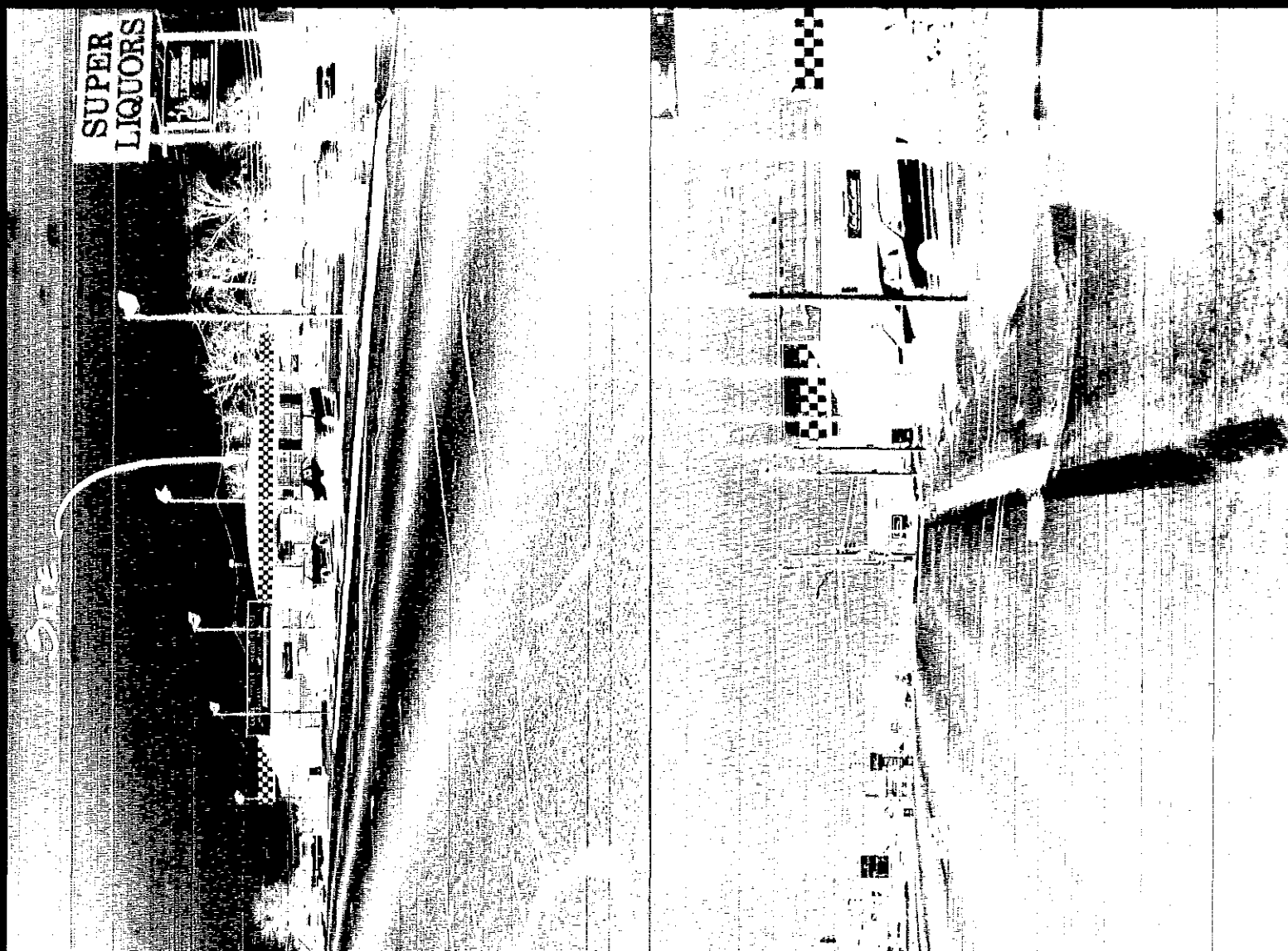
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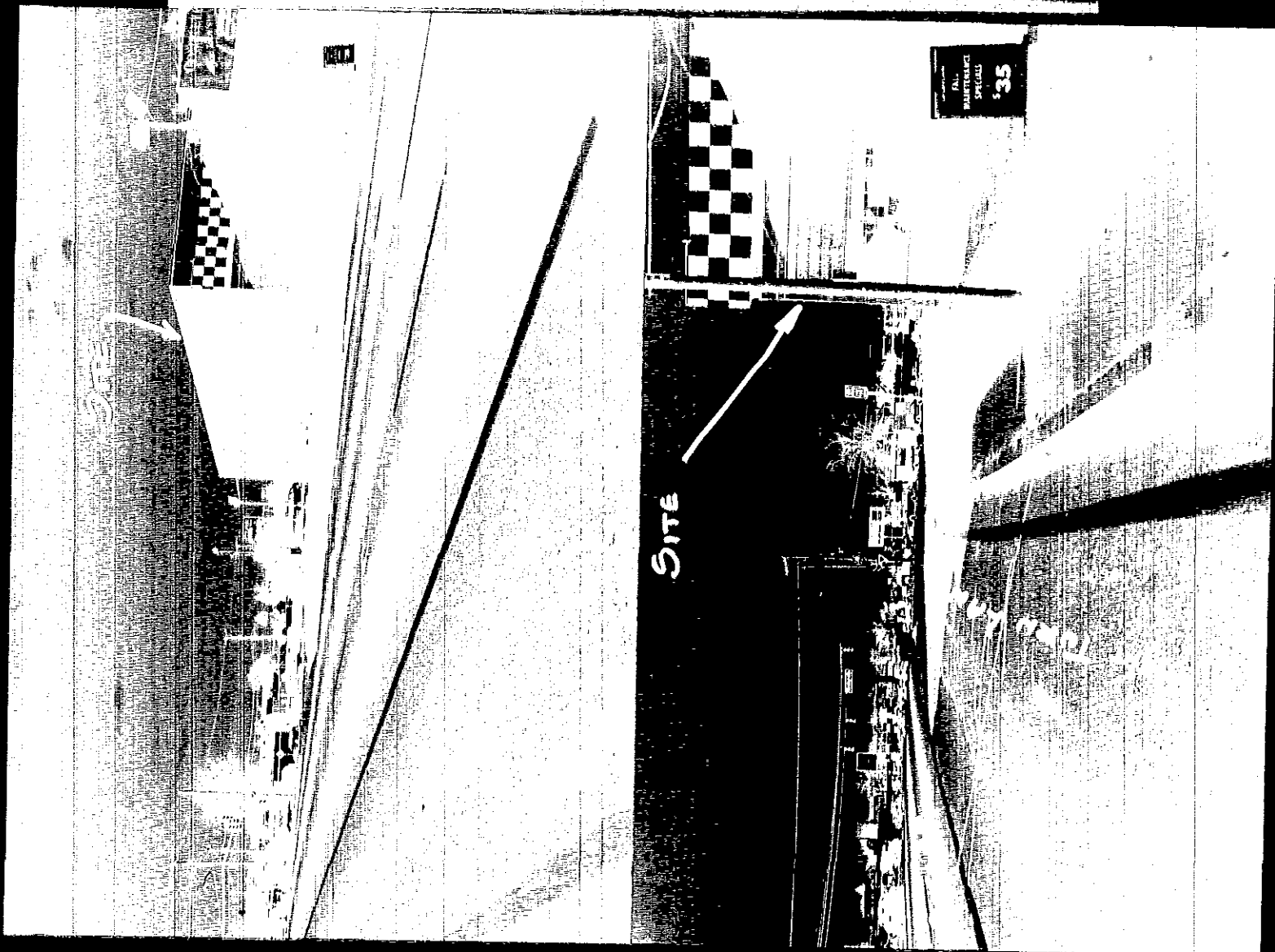
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PICTURES
TAKEN
12-6-98

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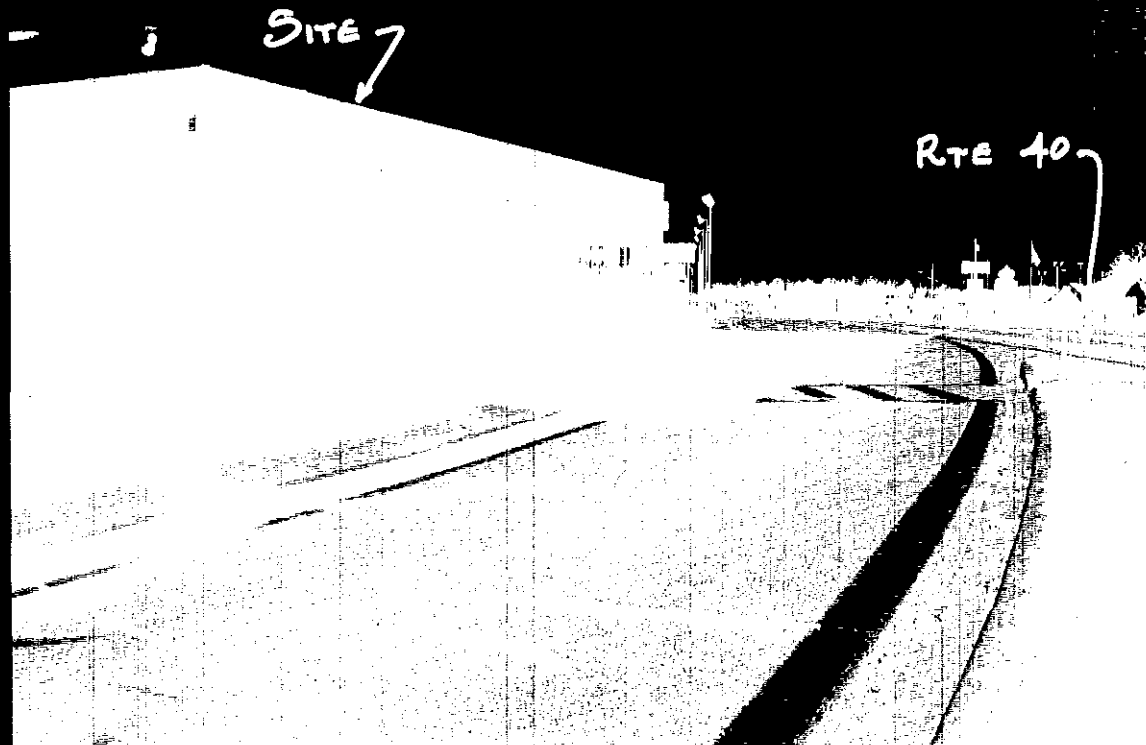
SITE

PICTURES
TAKEN

12-6-98

②

SITE 1





PICTURES
TAKEN
2-6-98

③



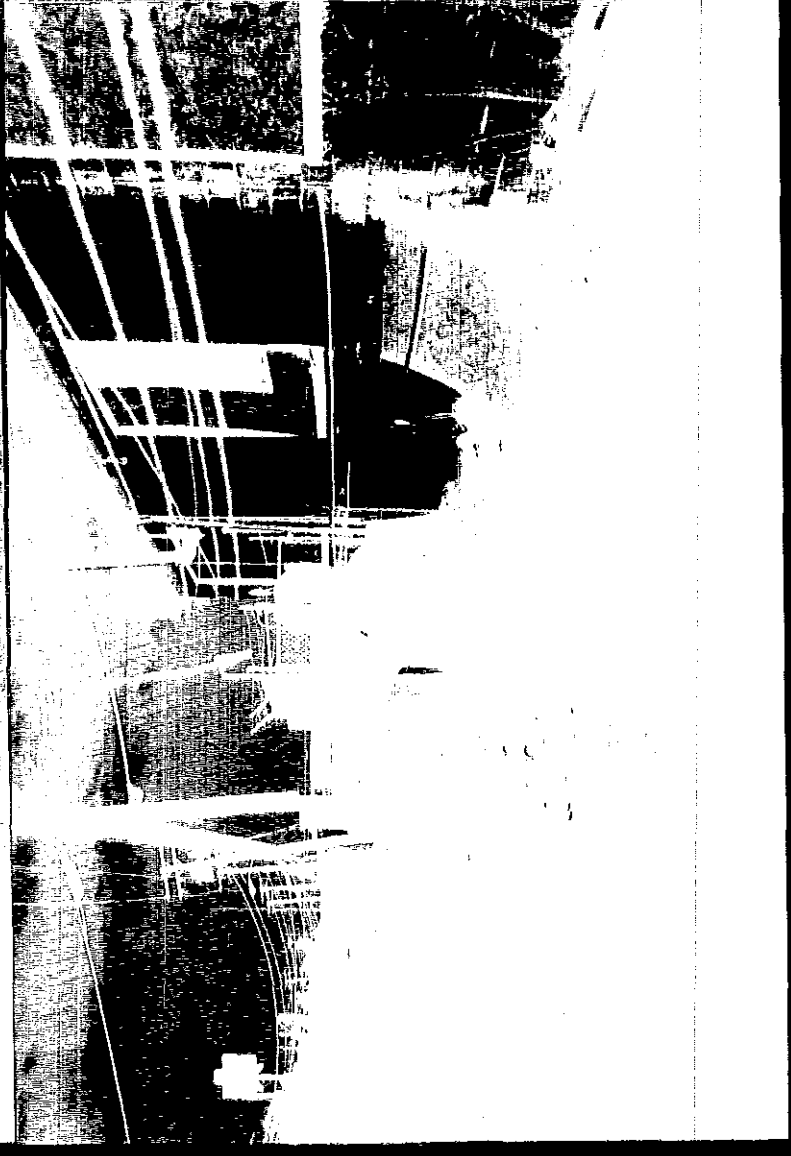
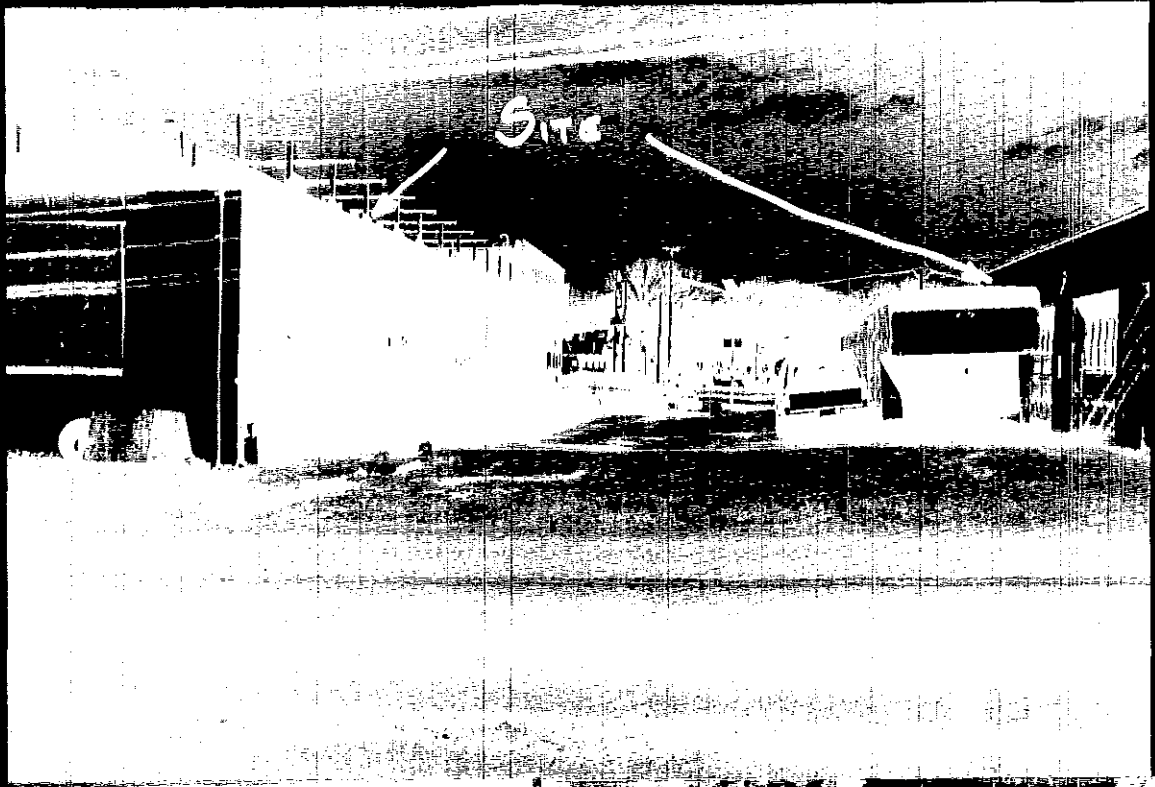
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12-6-98

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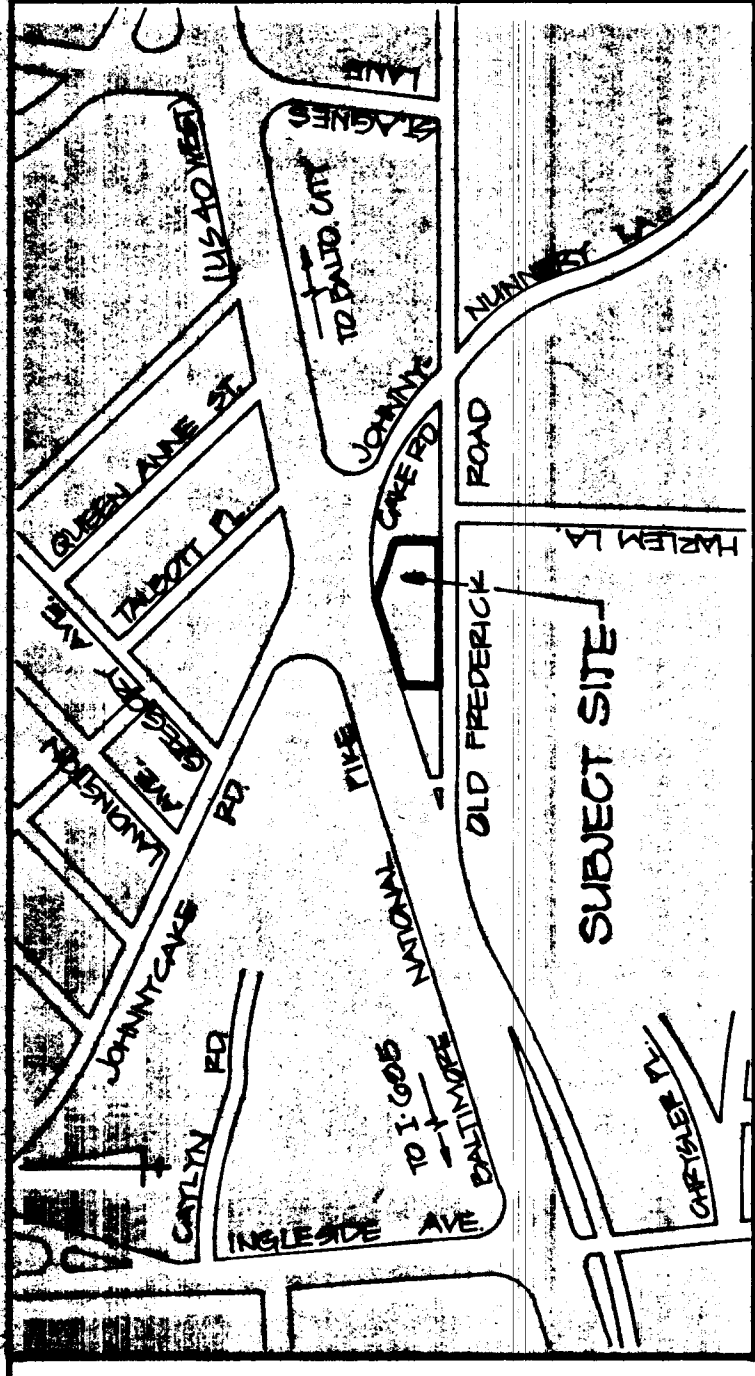






**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

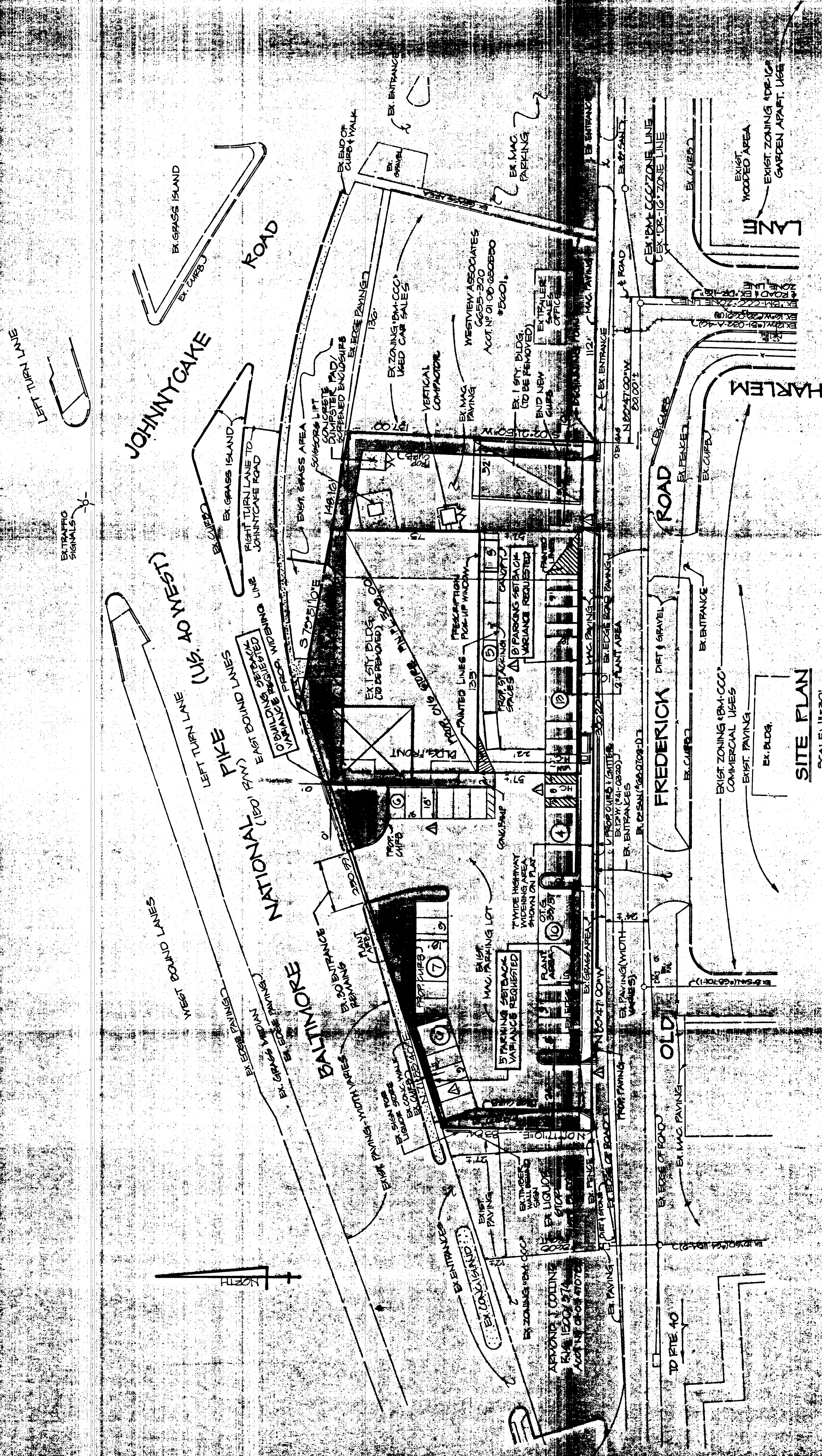
SCALE 1" = 200' ±	LOCATION PETITONESS EXHIBIT	SHEET N ^o 2
DATE OF PHOTOGRAPHY JANUARY 1986	CATONSVILLE	SW 1-F



VICINITY MAP
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF SITE = 50,856 SQ. FT. ± (1.167 AC. ±)
2. GROSS SITE AREA = 70,423 SQ. FT. ± (1.62 AC. ±)
3. NET SITE AREA = 48,953 SQ. FT. ± (1.12 AC. ±)
4. EXISTING ZONING OF THE SITE "BM-CCO"
5. PROPOSED USE OF THE SITE "AUTOMOTIVE REPAIR SHOP"
6. OFF-STREET PARKING:
 - A. PROPOSED STORE AREA = 10,125 SQ. FT.
 - B. REQUIRING 5061 SPACES (91000 SQ. FT.)
 - C. TOTAL SPACES REQUIRED = 51 SPACES
 - D. TOTAL SPACES PROVIDED = 46 SPACES INCLUDING 2 HANDICAPPED SPACES
7. FLOOR AREA RATIO:
 - A. ALLOWED FLOOR AREA = 281,692 SQ. FT. (40 X 70.43 SQ. FT.)
 - B. PROPOSED FLOOR AREA = 10,125 SQ. FT. = 0.21 (10.125 X 46.659)
8. AMENITY OPEN SPACE (SHADED AREA)
 - A. REQUIRED = 203 SQ. FT. (10.125 X 0.2)
 - B. PROPOSED = 371 SQ. FT.
9. PROPOSED BUILDING HEIGHT = 32.0'
10. PUBLIC UTILITIES EXIST WITHIN DEAD END DRAINAGE AREA
11. SITE IS LOCATED WITHIN "THE DEAD END DRAINAGE AREA"
12. SITE SIGNAGE WILL CONFORM WITH SECTION 430 OF THE BCZL
13. THERE ARE NO PREVIOUS ZONING CASES ON FILE RELATIVE TO THIS SITE
14. A WATER BEING REQUESTED TO WAIVE STORM WATER QUANTITY MANAGEMENT FOR THE SITE
15. THE SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLANE
16. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
17. THE SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLANE
18. THE SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLANE



SITE PLAN
SCALE: 1"=50'

VARIANCE REQUEST

PETITIONER IS REQUESTING A VARIANCE TO SECTIONS 23.1 AND 303.2 OF THE BCZL TO ALLOW A FRONT YARD SETBACK OF 9' INSTEAD OF THE REQUIRED 12.0'. A VARIANCE OF 12.0'.

PETITIONER IS REQUESTING A VARIANCE TO SECTION 406.8 OF THE BCZL TO ALLOW A PARKING SPACE SETBACK FROM A STREET RIGHT-OF-WAY LINE (BALTIMORE NATIONAL PIKE AND 140' LINEAR FEET ± OF OLD FREDERICK ROAD) INSTEAD OF THE REQUIRED 10' A VARIANCE OF 3'.

PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.8 OF THE BCZL TO ALLOW A PARKING SPACE SETBACK FROM STREET RIGHT-OF-WAY LINE 10' LINEAR FEET ± OF OLD FREDERICK ROAD OF 2' INSTEAD OF THE REQUIRED 10' A VARIANCE OF 8'.

PETITIONER IS REQUESTING A VARIANCE TO SECTION 409.8.02 OF THE BCZL TO ALLOW A TOTAL OF 46 SPACES INSTEAD OF THE REQUIRED 51. A VARIANCE OF 5 SPACES.

BOUNDARY SHOWN OBTAINED FROM A SURVEY PREPARED BY STV INCORPORATED, FEBRUARY, 1996. KCI TECHNOLOGIES, INC. HAS NOT VERIFIED ITS ACCURACY NOR ACCEPTS RESPONSIBILITY FOR IT.

SITE DATA

1. ELECTION DISTRICT NO.	407.01
2. COUNCILMANIC DISTRICT NO.	11436-79
3. CENSUS TRACT NO.	16-00-01154
4. DEED REF.	070133-57
5. TAX ACCOUNT NO.	
6. SITE RECORDED	

KCI TECHNOLOGIES
ENGINEERS • PLANNERS • SURVEYORS
HUNT VALLEY, MARYLAND 21088 (410) 346-7808

AMENDED
FLAT TO ACCOMPANY PETITION
FOR
YARD AND PARKING VARIANCES
AT
5603 OLD FREDERICK RD

DESIGN BY: ELS	SCALE: 1"=50'	DATE: FEB 1999	SHEET NUMBER: 0	JOB NUMBER: 0-220229
DRAWN BY: ELQ	CHECKED BY: ELS			

